

Docket No.: 122.1046C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

216 #19

RWB

2-14-02

In re the Application of:

Tokimori TOMITA, et al.

Serial No. 08/864,762

Group Art Unit: 2162

Confirmation No.

Filed: May 29, 1997

Examiner: Young, J.

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FEB 13 2002

Technology Center 2100

For: SERVICE POINT MANAGEMENT SYSTEM FOR USE IN SALES PROMOTION
SERVICES

**PETITION TO RESTART PREVIOUSLY SET PERIOD FOR REPLY
DUE TO LATE RECEIPT OF AN OFFICE ACTION: MPEP 710.06**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

An Office Action having a mailing date of December 4, 2001 in the subject application was received on February 11, 2002 at the correspondence address of the undersigned firm having Power of Attorney in the subject application. This Petition requests that the previously set period for response be restarted from the date of receipt of the Office Action at the correspondence address of the undersigned firm, in accordance with MPEP 710.06 and parts (A) through (C)(2) thereof.

In accordance with part (A), this Petition is filed within two (2) weeks of the date of receipt of the Office Action at the correspondence address.

In accordance with part (B), the delay occupied a substantial portion of the set reply period (e.g., at least 1 month of a 2- or 3-month reply period had already elapsed as of the date of receipt).

In accordance with part (C)(1), a copy of the "Office action having the date of receipt of the Office action at the correspondence address stamped thereon is attached as evidence showing the date of receipt of the Office action at the correspondence address."

In accordance with part (C)(2) and pursuant to the usual mail processing procedures of

the firm, incoming mail is delivered to the Office Services section of the firm. The mail is then opened by file clerk(s) of the firm who distribute the opened mail to specified firm personnel. All mail from the USPTO is distributed to the Docketing Department.

In the Docketing Department, the Docketing Manager, Victor Del Rio, personally date stamps, and/or supervises the date stamping of, each item of mail and the entry of the identification of each item of mail and the due date of response thereto into the automated docketing system of the firm. The mail is then distributed to the firm attorney having responsibility for the involved matter.

The belated receipt by the firm of large amounts of USPTO mail including the Office action to which this Petition is relevant, was brought to the attention of partners of the aforesaid firm who instituted procedures within the firm for processing this USPTO mail on an expedited basis and preparing and filing the subject Petition.

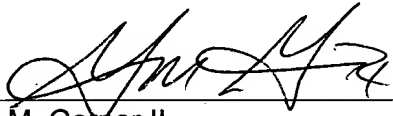
By this Petition, the undersigned attorney for applicant(s) requests that the previously set period for reply be reset to run from the date of receipt of the Office Action of January 3, 2002.

If any fees are required in connection with the filing of this Petition, please charge same to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Feb. 12, 2002

By: 
Gene M. Garner II
Registration No. 34,172

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UNITED STATES PATENT AND TRADEMARK OFFICE

Petition to Restart: 2-25-02
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/864,762 | 05/29/1997 | TOKIMORI TOMITA | 122.1046-C | 7403 |

21171 7590 12/04/2001

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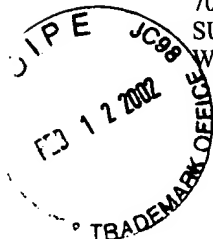
EXAMINER

YOUNG, JOHN L

ART UNIT PAPER NUMBER

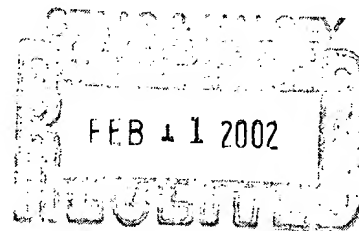
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DATE MAILED: 12/04/2001



Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
08/864,762

Applicant(s)
Tomita

Examiner
John Young

Art Unit
2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 13, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17, 18, 24-26, 28-30, 32-35, 37, 50, 52, 53, 65, and 66 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 18, 24-26, 28-30, 32-35, 37, 50, 52, 53, 65, and 66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 38 & 39 20) ☐ Other:

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**FINAL REJECTION
(NEW ARGUMENTS/GROUNDS OF REJECTION NECESSITATED BY
AMENDMENT)**

1. **Claims 65-66 are added by Amendment H, paper# 37 filed 4/13/2001.**
2. **Claims 17, 18, 24-26, 28-30, 32-35, 37, 50, 52, 53 & 65-66 are pending.**

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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3. Independent claims 17, 18, 28, 50 & 52 and dependent claims 29 & 53 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz et al. 5,056,019 (10/8/1991) (herein referred to as "Schultz") in view of Burton et al. 5,025,372 (6/18/1991) (herein referred to as "Burton") and further in view of Small 4,815,741 (03/28/1989) (herein referred to as "Small").

As per claim 17 Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a "point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . ."

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50) shows elements that suggest "point issue means for issuing the points to the customer according to transactions performed by the customer. . . ."

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 40-55; col. 8, ll. 64-65; col. 10, ll. 20-27; and col. 10, ll. 46-50) shows elements that suggest "point notification means for notifying the customer of point information comprising the issued points. . . ."

Schultz (col. 7, ll. 25-27) discloses "*accumulating sales data. . . .*"

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest "point accumulation means for calculating and accumulating the issued points of a current transaction and issued point of a previous transaction. . . ."

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Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

Schultz (col. 8, ll. 30-63) discloses “*customer service support. . . .*” and elements that suggest “types of services. . . .”

Schultz (col. 5, ll. 57-60) discloses: “*The purchase reward offers . . . can include standard rebates, trial rebates, gift offers, and sweepstakes offers.*”

Schultz (col. 5, ll. 57-60) discloses: “*Once the purchase reward offers . . . are defined by the manufacturer . . . the central management firm . . . stores records of the purchase reward offers . . . in an offer file . . . residing in the data bank of the PMCS [program management computer system] The products that are the subject of the purchase reward offers . . . have associated Universal Product Codes (UPC), which are used to access the reward offer records in the offer file. . . . In the instance when a reward offer applies to several products, the UPC of each eligible product for the reward offer will access to the reward offer record to which the products apply. . . .*” The examiner interprets this disclosure as suggesting “wherein the point notification means includes service contents storage means for storing a list of types of services and corresponding points. . . .”

Schultz (col. 6, ll. 5-12; and col. 7, ll. 60-68) discloses “the manufacturer can offer an entry into a sweepstakes drawing for each product purchase. . . .” The examiner interprets this disclosure as suggesting “wherein the point notification means includes

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service contents storage means for storing a list of types of services and corresponding points. . . .”

Schultz (col. 9, ll. 30-38; col. 9, ll. 47- 59; col. 10, ll. 7-35; col. 7, ll. 5-10; col. 7, ll. 20-59; col. 9, ll. 1-2; and col. 9, 60-65) shows elements that suggest “notification means . . . reads data out of the storage means according to a type selected by the customer through a terminal, and notifies the customer of the read data.”

Schultz does not explicitly show “types of services. . . .”

Burton (col. 1, ll. 10-20) discloses: “*The invention relates to the field of computer programming and data processing systems for incentive award programs [sic] Heretofore incentive companies have contracted with a sponsoring company for providing an incentive program to promote the sales of the sponsoring company’s products or services. . . . The products or services promoted might have been of a specific nature. . . .*”

Burton (col. 1, ll. 17-20) discloses: “*Usually a certain number of points are awarded . . . [related to the] quantity of products or services.*”

Burton proposes “services” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “services” modifications of Burton with the teachings of Schultz because “*the participant’s memory of the . . . [services] stimulates recollection of the sponsor, thus reinforcing favorable thoughts toward the sponsor.*” (See Burton (col. 3, ll. 67-68; and col. 4, ll. 1-2)).

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Schultz lacks an explicit recital of: “reads data out of the storage means according to a type selected by the customer through a terminal, and notifies the customer of the read data through the terminal.”

Small (FIG. 7 through FIG. 10; col. 1, ll. 13-26; col. 1, ll. 33-42; col. 6, ll. 48-55; col. 9, ll. 38-44; col. 9, ll. 53-56; col. 10, ll. 4-15; col. 11, ll. 3-9; col. 11, ll. 16-21; col. 11, ll. 62-63; and col. 12, ll. 33-40) shows elements that suggest: “reads data out of the storage means according to a type selected by the customer through a terminal, and notifies the customer of the read data through the terminal.”

Small proposes “terminal notification” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “terminal notification” modifications of Small with the teachings of Schultz because such modifications would have provided a means to “*Identify a user of a remote interface device and assign a user-specific indicia thereto for matching to a randomly selected game indicia to determine whether the user wins a prize. . . .*” (See Small (col. 2, ll. 30-40)).

As per claim 18, Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a “point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . .”

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Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50) shows elements that suggest “point issue means for issuing the points to the customer according to transactions performed by the customer. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 40-55; col. 8, ll. 64-65; col. 10, ll. 20-27; and col. 10, ll. 46-50) shows elements that suggest “point notification means for notifying the customer of point information comprising the issued points. . . .”

Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data. . . .*”

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points. . . .”

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

Schultz (col. 8, ll. 30-63) discloses “*customer service support. . . .*” and elements that suggest “types of services. . . .”

Schultz (col. 5, ll. 57-60) discloses: “*The purchase reward offers . . . can include standard rebates, trial rebates, gift offers, and sweepstakes offers.*”

Schultz (col. 5, ll. 57-60) discloses: “*Once the purchase reward offers . . . are defined by the manufacturer . . . the central management firm . . . stores records of the*

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purchase reward offers . . . in an offer file . . . residing in the data bank of the PMCS [program management computer system] The products that are the subject of the purchase reward offers . . . have associated Universal Product Codes (UPC), which are used to access the reward offer records in the offer file. . . . In the instance when a reward offer applies to several products, the UPC of each eligible product for the reward offer will access to the reward offer record to which the products apply. . . .” The examiner interprets this disclosure as suggesting “wherein the point notification means includes service contents storage means for storing a list of services and corresponding points. . . .”

Schultz (col. 6, ll. 5-12; and col. 7, ll. 60-68) discloses “*the manufacturer can offer an entry into a sweepstakes drawing for each product purchase. . . .*” The examiner interprets this disclosure as suggesting “wherein the point notification means includes service contents storage means for storing a list of services and corresponding points. . . .”

Schultz (col. 9, ll. 30-38; col. 9, ll. 47- 59; col. 10, ll. 7-35; col. 7, ll. 5-10; col. 7, ll. 20-59; col. 9, ll. 1-2; and col. 9, 60-65) shows elements that suggest “notification means . . . selects a range of services available for the cumulative points of the customer, and notifies the customer of the selected services.”

Schultz does not explicitly recite “a list of services. . . .” even though Schultz suggests same.

Burton (col. 1, ll. 10-20) discloses: “*The invention relates to the field of computer programming and data processing systems for incentive award programs [sic]*

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Heretofore incentive companies have contracted with a sponsoring company for providing an incentive program to promote the sales of the sponsoring company's products or services. . . . The products or services promoted might have been of a specific nature. . . ."

Burton (col. 1, ll. 17-20) discloses: "*Usually a certain number of points are awarded . . . [related to the] quantity of products or services.*"

Burton proposes "services" modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the "services" modifications of Burton with the teachings of Schultz because "*the participant's memory of the . . . [services] stimulates recollection of the sponsor, thus reinforcing favorable thoughts toward the sponsor.*" (See Burton (col. 3, ll. 67-68; and col. 4, ll. 1-2)).

Schultz lacks an explicit recital of: "*notifies the customer of the selected services through the terminal.*"

Small (FIG. 7 through FIG. 10; col. 1, ll. 13-26; col. 1, ll. 33-42; col. 6, ll. 48-55; col. 9, ll. 38-44; col. 9, ll. 53-56; col. 10, ll. 4-15; col. 11, ll. 3-9; col. 11, ll. 16-21; col. 11, ll. 62-63; and col. 12, ll. 33-40) shows elements that suggest: "*notifies the customer of the selected services through the terminal.*"

Small proposes "terminal notification" modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the "terminal notification"

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modifications of Small with the teachings of Schultz because such modifications would have provided a means to “*Identify a user of a remote interface device and assign a user-specific indicia thereto for matching to a randomly selected game indicia to determine whether the user wins a prize. . . .*” (See Small (col. 2, ll. 30-40)).

As per claim 28, Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a “point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50) shows elements that suggest “point issue means for issuing the points to the customer according to transactions performed by the customer. . . .”

Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data. . . .*”

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points. . . .”

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

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Schultz lacks explicit mention of “a software service in accordance with an amount of the accumulated points, and the point accumulation means decreases the customer’s accumulated points according to a period of time of providing the software service.”

Burton (col. 19, ll. 9-68; col. 20, ll. 1-68; col. 21, ll. 46-68; col. 22, ll. 38-68; col. 23, ll. 4-68) shows elements that suggest “wherein the point management system provides a software service in accordance with an amount of the accumulated points. . . .”

Burton (FIG. 2.8A; FIG. 2.8B; col. 9, ll. 50-68; col. 10, ll. 1-7; col. 10, ll. 44-51; col. 28, ll. 16-35; and col. 28, ll. 60-68) shows elements that suggest “wherein the point management system provides a software service in accordance with an amount of the accumulated points, and the point accumulation means decreases the customer’s accumulated points according to a period of time of providing the software service.”

Burton proposes software program and credit decreasing modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the credit decreasing modifications of Burton with the teachings of Schultz because “*the participants can choose to withhold none, part, or all of the monetary amount eligible for allocation toward the credit. . . .*” (See Burton (col. 4, ll.16-19)).

Schultz lacks an explicit recitation of “the customer accesses the accumulated points stored on the computer through a terminal.”

Small (FIG. 7 through FIG. 10; col. 1, ll. 13-26; col. 1, ll. 33-42; col. 6, ll. 48-55; col. 9, ll. 38-44; col. 9, ll. 53-56; col. 10, ll. 4-15; col. 11, ll. 3-9; col. 11, ll. 16-21; col. 11,

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ll. 62-63; and col. 12, ll. 33-40) shows elements that suggest: “the customer accesses the accumulated points stored on the computer through a terminal.”

Small proposes “terminal notification” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “terminal notification” modifications of Small with the teachings of Schultz because such modifications would have provided a means to “*Identify a user of a remote interface device and assign a user-specific indicia thereto for matching to a randomly selected game indicia to determine whether the user wins a prize. . . .*” (See Small (col. 2, ll. 30-40)).

As per claim 29, Schultz in view of Burton shows the point management system of claim 28. (See the rejection of claim 28 supra).

Schultz lacks an explicit recitation of “the software service is provided to the customer with image and voice data through communication circuits . . . displays the decreased points on a display by denoting an alphanumeric number representing the customer’s accumulated points and by counting down the customer’s accumulated points order. . . .”

Small (col. 9, ll. 38-44; FIG. 7 through FIG. 10; col. 1, ll. 13-26; col. 1, ll. 33-42; col. 6, ll. 48-55; col. 9, ll. 53-56; col. 10, ll. 4-15; col. 11, ll. 3-9; col. 11, ll. 16-21; and col. 11, ll. 62-63) shows elements that suggest: “the software service is provided to the customer with image and voice data through communication circuits . . . displays the

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decreased points on a display by denoting an alphanumeric number representing the customer's accumulated points and by counting down the customer's accumulated points order. . . ."

Small proposes "terminal notification" modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the "terminal notification" modifications of Small with the teachings of Schultz because such modifications would have provided a means to *"Identify a user of a remote interface device and assign a user-specific indicia thereto for matching to a randomly selected game indicia to determine whether the user wins a prize. . . ."* (See Small (col. 2, ll. 30-40)).

As per claim 50 Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a "point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . ."

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50) shows elements that suggest "point issue means for issuing the points to the customer according to transactions performed by the customer. . . ."

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 40-55; col. 8, ll. 64-65; col. 10, ll. 20-27; and col. 10, ll. 46-50) shows elements that suggest "point

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notification means for notifying the customer of point information comprising the issued points. . . .”

Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data. . . .*”

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points. . . .”

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

Schultz (col. 8, ll. 30-63) discloses “*customer service support. . . .*” and elements that suggest “types of services. . . .”

Schultz (col. 5, ll. 57-60) discloses: “*The purchase reward offers . . . can include standard rebates, trial rebates, gift offers, and sweepstakes offers.*”

Schultz (col. 5, ll. 57-60) discloses: “*Once the purchase reward offers . . . are defined by the manufacturer . . . the central management firm . . . stores records of the purchase reward offers . . . in an offer file . . . residing in the data bank of the PMCS [program management computer system] The products that are the subject of the purchase reward offers . . . have associated Universal Product Codes (UPC), which are used to access the reward offer records in the offer file. . . . In the instance when a reward offer applies to several products, the UPC of each eligible product for the reward*

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offer will access to the reward offer record to which the products apply. . . .” The examiner interprets this disclosure as suggesting “wherein the point notification means comprises service contents storage means for storing a list of types of services and corresponding points. . . .”

Schultz (col. 6, ll. 5-12; and col. 7, ll. 60-68) discloses “the manufacturer can offer an entry into a sweepstakes drawing for each product purchase. . . .” The examiner interprets this disclosure as suggesting “wherein the point notification means includes service contents storage means for storing a list of types of services and corresponding points. . . .”

Schultz (col. 9, ll. 30-38; col. 9, ll. 47- 59; col. 10, ll. 7-35; col. 7, ll. 5-10; col. 7, ll. 20-59; col. 9, ll. 1-2; and col. 9, ll. 60-65) shows elements that suggest “notification means . . . displays the list of the types of services and corresponding points to the customer.”

Schultz does not explicitly show “types of services. . . .”

Burton (col. 1, ll. 10-20) discloses: “*The invention relates to the field of computer programming and data processing systems for incentive award programs [sic] Heretofore incentive companies have contracted with a sponsoring company for providing an incentive program to promote the sales of the sponsoring company’s products or services. . . . The products or services promoted might have been of a specific nature. . . .*”

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Burton (col. 1, ll. 17-20) discloses: “*Usually a certain number of points are awarded . . . [related to the] quantity of products or services.*”

Burton proposes “services” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “services” modifications of Burton with the teachings of Schultz because “*the participant’s memory of the . . . [services] stimulates recollection of the sponsor, thus reinforcing favorable thoughts toward the sponsor.*” (See Burton (col. 3, ll. 67-68; and col. 4, ll. 1-2)).

Schultz lacks an explicit recital of: “displays on a terminal the list of . . . points. . . .”

Small (FIG. 7 through FIG. 10; col. 1, ll. 13-26; col. 1, ll. 33-42; col. 6, ll. 48-55; col. 9, ll. 38-44; col. 9, ll. 53-56; col. 10, ll. 4-15; col. 11, ll. 3-9; col. 11, ll. 16-21; col. 11, ll. 62-63; and col. 12, ll. 33-40) shows elements that suggest: “displays on a terminal the list of . . . points. . . .”

Small proposes “terminal display” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “terminal notification” modifications of Small with the teachings of Schultz because such modifications would have provided a means to “*Identify a user of a remote interface device and assign a user-specific indicia thereto for matching to a randomly selected game indicia to determine whether the user wins a prize. . . .*” (See Small (col. 2, ll. 30-40)).

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As per claim 52, Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a “point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50) shows elements that suggest “point issue means for issuing the points to the customer according to transactions performed by the customer. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 40-55; col. 8, ll. 64-65; col. 10, ll. 20-27; and col. 10, ll. 46-50) shows elements that suggest “point notification means for notifying the customer of point information comprising the issued points. . . .”

Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data. . . .*”

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points. . . .”

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

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Schultz (col. 8, ll. 30-63) discloses “*customer service support. . .*” and elements that suggest “types of services. . . .”

Schultz (col. 5, ll. 57-60) discloses: “*The purchase reward offers . . . can include standard rebates, trial rebates, gift offers, and sweepstakes offers.*”

Schultz (col. 5, ll. 57-60) discloses: “*Once the purchase reward offers . . . are defined by the manufacturer . . . the central management firm . . . stores records of the purchase reward offers . . . in an offer file . . . residing in the data bank of the PMCS [program management computer system] The products that are the subject of the purchase reward offers . . . have associated Universal Product Codes (UPC), which are used to access the reward offer records in the offer file. . . . In the instance when a reward offer applies to several products, the UPC of each eligible product for the reward offer will access to the reward offer record to which the products apply. . . .*” The examiner interprets this disclosure as suggesting “wherein the point notification means includes service contents storage means for selecting a range of services available for the accumulated points of the customer, and notifies the customer of the selected services.”

Schultz (col. 9, ll. 30-38; col. 9, ll. 47- 59; col. 10, ll. 7-35; col. 7, ll. 5-10; col. 7, ll. 20-59; col. 9, ll. 1-2; and col. 9, ll. 60-65) shows elements that suggest “notification means . . . selects a range of services available for the accumulated points of the customer, and notifies the customer of the selected services.”

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Schultz does not explicitly recite “selecting a range of services. . . .” even though Schultz (col. 9, ll. 30-38; col. 9, ll. 47- 59; col. 10, ll. 7-35; col. 7, ll. 5-10; col. 7, ll. 20-59; col. 9, ll. 1-2; and col. 9, ll. 60-65) suggests same.

Burton (col. 1, ll. 10-20) discloses: “*The invention relates to the field of computer programming and data processing systems for incentive award programs [sic] Heretofore incentive companies have contracted with a sponsoring company for providing an incentive program to promote the sales of the sponsoring company’s products or services. . . . The products or services promoted might have been of a specific nature. . . .*”

Burton (col. 1, ll. 17-20) discloses: “*Usually a certain number of points are awarded . . . [related to the] quantity of products or services.*”

Burton proposes “services” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “services” modifications of Burton with the teachings of Schultz because “*the participant’s memory of the . . . [services] stimulates recollection of the sponsor, thus reinforcing favorable thoughts toward the sponsor.*”

(See Burton (col. 3, ll. 67-68; and col. 4, ll. 1-2)).

Schultz lacks an explicit recital of: “notifies the customer . . . through a terminal.”

Small (FIG. 7 through FIG. 10; col. 1, ll. 13-26; col. 1, ll. 33-42; col. 6, ll. 48-55; col. 9, ll. 38-44; col. 9, ll. 53-56; col. 10, ll. 4-15; col. 11, ll. 3-9; col. 11, ll. 16-21; col. 11,

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ll. 62-63; and col. 12, ll. 33-40) shows elements that suggest: “notifies the customer . . . through a terminal.”

Small proposes “terminal notification” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “terminal notification” modifications of Small with the teachings of Schultz because such modifications would have provided a means to “*Identify a user of a remote interface device and assign a user-specific indicia thereto for matching to a randomly selected game indicia to determine whether the user wins a prize. . . .*” (See Small (col. 2, ll. 30-40)).

As per claim 53, Schultz in view of Burton and further in view of Small shows the point management system of claim 52. (See the rejection of claim 52 supra).

Schultz does not explicitly recite: “wherein the service contents storage means stores the point information comprising target points for a service requested by the customer, the customer’s accumulated points, and shortage points relative to the customer’s target.”

Burton (col. 9, ll. 50-68) discloses “*objective for the incentive program’s participants. . . .*” The examiner interprets this disclosure as suggesting “target points.”

Burton (FIG. 2.8A; FIG. 2.8B; col. 9, ll. 50-68; col. 10, ll. 1-7; col. 10, ll. 44-51; col. 28, ll. 16-35; and col. 28, ll. 60-68) shows elements that suggest “wherein the service contents storage means stores the point information comprising target points for a service

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requested by the customer, the customer's accumulated points, and shortage points relative to the customer's target."

Burton proposes incentive objective modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the incentive objective modifications of Burton with the teachings of Schultz because "*the participants can choose to withhold none, part, or all of the monetary amount eligible for allocation toward the credit. . . .*" (See Burton (col. 4, ll.16-19)).

4. Independent claim 24 is rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz in view of Humble 4,949,256 (8/14/1990) (herein referred to as "Humble") and further in view of Small.

As per claim 24, Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a "point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . ."

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50) shows elements that suggest "point issue means for issuing the points to the customer according to transactions performed by the customer. . . ."

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Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data. . . .*”

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points. . . .”

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

Schultz lacks explicit mention of “condition monitor means for changing the accumulated points according to predetermined conditions. . . . wherein the condition monitor means adds interest to the customer’s points according to the accumulated points and periods of time.”

Humble (the FIGURE; col. 3, ll. 67-68; and col. 6, ll. 48-55) shows elements that suggest “condition monitor means for changing the accumulated points according to predetermined conditions. . . . wherein the condition monitor means adds interest to the customer’s points according to the accumulated points and periods of time.”

Humble proposes “condition monitor” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “condition monitor” modifications of Humble with the teachings of Schultz because such condition monitor means would have provided a “*validation network for automatically crediting customer’s*

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coupons toward the purchase price of a plurality of products. . . .” (See Humble (col. 2, ll. 66-68)).

Schultz lacks an explicit recitation of “the customer accesses the accumulated points stored on the computer through a terminal.”

Small (FIG. 7 through FIG. 10; col. 1, ll. 13-26; col. 1, ll. 33-42; col. 6, ll. 48-55; col. 9, ll. 38-44; col. 9, ll. 53-56; col. 10, ll. 4-15; col. 11, ll. 3-9; col. 11, ll. 16-21; col. 11, ll. 62-63; and col. 12, ll. 33-40) shows elements that suggest: “the customer accesses the accumulated points stored on the computer through a terminal.”

Small proposes “terminal notification” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “terminal notification” modifications of Small with the teachings of Schultz because such modifications would have provided a means to “*Identify a user of a remote interface device and assign a user-specific indicia thereto for matching to a randomly selected game indicia to determine whether the user wins a prize. . . .*” (See Small (col. 2, ll. 30-40)).

5. Independent claim 25 is rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz in view of Humble and Burton and further in view of Small.

As per claim 25, Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a “point management system employing

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a computer for managing points issued to each customer who receives service according to the issued points. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50) shows elements that suggest “point issue means for issuing the points to the customer according to transactions performed by the customer. . . .”

Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data*. . . .”

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points. . . .”

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

Schultz lacks explicit mention of “condition monitor means for changing the accumulated points according to predetermined conditions. . . . wherein the condition monitor means decreases the customer’s points if the customer does not carry out a transaction during a predetermined period.”

Humble (the FIGURE; col. 3, ll. 67-68; and col. 6, ll. 48-55) shows elements that suggest “condition monitor means for changing the accumulated points according to predetermined conditions. . . .”

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Humble proposes “condition monitor” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “condition monitor” modifications of Humble with the teachings of Schultz because such condition monitor means would have provided a “*validation network for automatically crediting customer’s coupons toward the purchase price of a plurality of products. . . .*” (See Humble (col. 2, ll. 66-68)).

Burton (FIG. 2.8A; FIG. 2.8B; col. 9, ll. 50-68; col. 10, ll. 1-7; col. 10, ll. 44-51; col. 28, ll. 16-35; and col. 28, ll. 60-68) shows elements that suggest “wherein the condition monitor means decreases the customer’s points if the customer does not carry out a transaction during a predetermined period.”

Burton proposes credit decreasing modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the credit decreasing modifications of Burton with the teachings of Schultz because “*the participants can choose to withhold none, part, or all of the monetary amount eligible for allocation toward the credit. . . .*” (See Burton (col. 4, ll.16-19)).

Schultz lacks an explicit recitation of “the customer accesses the accumulated points stored on the computer through a terminal.”

Small (FIG. 7 through FIG. 10; col. 1, ll. 13-26; col. 1, ll. 33-42; col. 6, ll. 48-55; col. 9, ll. 38-44; col. 9, ll. 53-56; col. 10, ll. 4-15; col. 11, ll. 3-9; col. 11, ll. 16-21; col. 11,

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ll. 62-63; and col. 12, ll. 33-40) shows elements that suggest: “the customer accesses the accumulated points stored on the computer through a terminal.”

Small proposes “terminal notification” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “terminal notification” modifications of Small with the teachings of Schultz because such modifications would have provided a means to “*Identify a user of a remote interface device and assign a user-specific indicia thereto for matching to a randomly selected game indicia to determine whether the user wins a prize. . . .*” (See Small (col. 2, ll. 30-40)).

6. Independent claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz and further in view of Small.

As per claim 26, Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a “point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50) shows elements that suggest “point issue means for issuing the points to the customer according to transactions performed by the customer. . . .”

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Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data. . . .*”

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points. . . .”

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

Schultz (col. 4, ll. 60-61; and col. 5, ll. 9-10) discloses “*participating retail outlets. . . .*”

Schultz (col. 5, ll. 53-56) discloses “*Each retail outlet . . . may be part of a retail chain, and the method of the present invention can be adapted for use at retail outlets . . . of different retail chains.*”

Schultz (col. 7, ll. 53-59) discloses “*the marketing program can be provided to consumers . . . through a plurality of retail stores associated with different retail chains. In the preferred embodiment, the consumer . . . is able to make reward product . . . purchases at more than one retail store . . . and have the purchase credits combined in the PMCS. . . .*”

The examiner interprets these disclosures as suggesting “wherein the point accumulation means includes means for converting the customer’s points managed by a

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group of stores into points managed by another group of stores according to a predetermined rate if the customer requests the conversion.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Schultz (col. 7, ll. 53-59; col. 5, ll. 45-56; and col. 6, ll. 1-13) would have been selected in accordance with “wherein the point accumulation means includes means for converting the customer’s points managed by a group of stores into points managed by another group of stores according to a predetermined rate if the customer requests the conversion. . . .” because such selection would have provided means for the “*consumer . . . to make reward product . . . purchases at more than one retail store . . . and have the purchase credits combined. . . .*” (See Schultz (col. 7, ll. 53-59)).

Schultz lacks an explicit recitation of “the customer accesses the accumulated points stored on the computer through a terminal.”

Small (FIG. 7 through FIG. 10; col. 1, ll. 13-26; col. 1, ll. 33-42; col. 6, ll. 48-55; col. 9, ll. 38-44; col. 9, ll. 53-56; col. 10, ll. 4-15; col. 11, ll. 3-9; col. 11, ll. 16-21; col. 11, ll. 62-63; and col. 12, ll. 33-40) shows elements that suggest: “the customer accesses the accumulated points stored on the computer through a terminal.”

Small proposes “terminal notification” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “terminal notification” modifications of Small with the teachings of Schultz because such modifications would

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have provided a means to *"Identify a user of a remote interface device and assign a user-specific indicia thereto for matching to a randomly selected game indicia to determine whether the user wins a prize. . . ."* (See Small (col. 2, ll. 30-40)).

7. Claims 30, 32-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz in view of Burton and Small and further in view of Bay 5,347,452 (09/13/1994) [US f/d: 07/12/1991] (herein referred to as "Bay").

As per claim 30, Schultz in view of Burton shows the point management system of claim 28. (See the rejection of claim 28 supra).

Schultz lacks explicit mention of "the point accumulation means displays the decreased points on a display by denoting a colored striped line thereof by reducing the length of the striped line."

Bay (FIG. 1A; and FIG. 1, el. 28) shows elements that suggest: "the point accumulation means displays the decreased points on a display by denoting a colored striped line thereof by reducing the length of the striped line."

Bay proposes bar/line chart modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the bar/line chart modifications of Bay with the teachings of Schultz because such modifications would have provided a *"display . . . of current volume and historical volume. . . ."* (See Bay (col. 2, ll. 35-36)).

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As per claim 32, Schultz in view of Burton shows the point management system of claim 30. (See the rejection of claim 30 supra).

Schultz does not explicitly recite: “wherein the point information includes target points and corresponding electronic services.”

Burton (col. 9, ll. 50-68) discloses “*objective for the incentive program’s participants. . . .*” The examiner interprets this disclosure as suggesting “target points.”

Burton (FIG. 2.8A; FIG. 2.8B; col. 9, ll. 50-68; col. 10, ll. 1-7; col. 10, ll. 44-51; col. 28, ll. 16-35; and col. 28, ll. 60-68) shows elements that suggest “wherein the point information includes target points and corresponding electronic services.”

Burton proposes incentive objective modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the incentive objective modifications of Burton with the teachings of Schultz because “*the participants can choose to withhold none, part, or all of the monetary amount eligible for allocation toward the credit. . . .*” (See Burton (col. 4, ll.16-19)).

As per claim 33, Schultz in view of Burton shows the point management system of claim 30. (See the rejection of claim 30 supra).

Schultz does not explicitly recite: “wherein the point information includes services corresponding to the customer’s cumulative points provided by the point accumulation means.”

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Burton (FIG. 2.8A; FIG. 2.8B; col. 9, ll. 50-68; col. 10, ll. 1-7; col. 10, ll. 44-51; col. 28, ll. 16-35; and col. 28, ll. 60-68) shows elements that suggest “wherein the point information includes services corresponding to the customer’s cumulative points provided by the point accumulation means.”

Burton proposes cumulative point modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the incentive objective modifications of Burton with the teachings of Schultz because “*the participants can choose to withhold none, part, or all of the monetary amount eligible for allocation toward the credit. . . .*” (See Burton (col. 4, ll.16-19)).

As per claim 34, Schultz in view of Burton shows the point management system of claim 30. (See the rejection of claim 30 supra).

Schultz does not explicitly recite: “wherein the point information includes the customer’s cumulative points, or a shortage of points with respect to target points registered or specified by the customer.”

Burton (col. 9, ll. 50-68) discloses “*objective for the incentive program’s participants. . . .*” The examiner interprets this disclosure as suggesting “target points.”

Burton (FIG. 2.8A; FIG. 2.8B; col. 9, ll. 50-68; col. 10, ll. 1-7; col. 10, ll. 44-51; col. 28, ll. 16-35; and col. 28, ll. 60-68) shows elements that suggest “wherein the point

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information includes the customer's cumulative points, or a shortage of points with respect to target points registered or specified by the customer."

Burton proposes incentive objective modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the incentive objective modifications of Burton with the teachings of Schultz because "*the participants can choose to withhold none, part, or all of the monetary amount eligible for allocation toward the credit. . . .*" (See Burton (col. 4, ll.16-19)).

As per claim 35, Schultz in view of Burton shows the point management system of claim 30. (See the rejection of claim 30 supra).

Schultz (col. 3, ll. 32-37) shows elements that suggest "wherein the point information includes the validity of the customer's cumulative points."

Schultz does not explicitly recite: "wherein the point information includes the validity of the customer's cumulative points."

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Schultz (col. 3, ll. 32-37) would have been selected in accordance with "wherein the point information includes the validity of the customer's cumulative points. . . ." because such validation would have encouraged "*continued purchases of targeted products beyond the one-time incentive of prior coupon systems.*" (See Schultz (col. 4, ll.45-47)).

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8. Dependent claim 37 is rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz in view of Burton and Bay and further in view of Rudd 4,292,508 (9/29/1981) (herein referred to as "Rudd").

As per claim 37 Schultz in view of Burton shows the point management system of claim 35. (See the rejection of claim 35 supra).

Schultz does not explicitly recite: "changing points or point calculation rates allocated for commodities. . . ."

Burton (col. 12, ll.27-37) shows elements that suggest: "changing points or point calculation rates allocated for commodities. . . ."

Burton proposes point changing and percentage modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the modifications of Burton with the teachings of Schultz because *"the participants can choose to withhold none, part, or all of the monetary amount eligible for allocation toward the credit. . . ."*

(See Burton (col. 4, ll.16-19)).

Schultz does not explicitly recite: "changing points or point calculation rates allocated for commodities at random within a predetermined range. . . ."

Rudd (the ABSTRACT; col. 1, ll. 4-11; col. 1, ll. 14-31; col. 1, ll. 63-68; col. 2, ll. 1-4; col. 2, ll. 24-33; and col. 3, ll. 31-38) shows elements that suggest: "changing points

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or point calculation rates allocated for commodities at random within a predetermined range. . . .”

Rudd proposes “changing . . . point calculation rates allocated for commodities at random within a predetermined range. . . .” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the modifications of Rudd with the teachings of Schultz because such combined modifications would have provided means for “*allocating a bonus to customers. . . .*” (See Rudd (col. 1, ll.16-24)).

9. Independent claims 65 & 66 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz.

As per claim 65 Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a “point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50) shows elements that suggest “point issue means for issuing the points to the customer according to transactions performed by the customer. . . .”

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Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data. . .*”

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points for more than two transactions. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 40-55; col. 8, ll. 64-65; col. 10, ll. 20-27; and col. 10, ll. 46-50) shows elements that suggest “point notification means for notifying the customer of point information comprising the issued points. . . .”

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

Schultz (col. 7, ll. 53-59; col. 5, ll. 45-56; and col. 6, ll. 1-13) discloses elements that suggest “wherein the point issue means comprises rate management means for changing a point calculation rate according to each of the more than two transactions.”

Schultz lacks an explicit recitation of: “wherein the point issue means comprises rate management means for changing a point calculation rate according to each of the more than two transactions.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Schultz (col. 7, ll. 53-59; col. 5, ll. 45-56; and col. 6, ll. 1-13) would have been selected in accordance with “wherein the point issue means

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comprises rate management means for changing a point calculation rate according to each of the more than two transactions. . . .” because such selection would have provided means for the “*consumer . . . to make reward product . . . purchases at more than one retail store . . . and have the purchase credits combined. . . .*” (See Schultz (col. 7, ll. 53-59)).

As per claim 66 Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a “point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50) shows elements that suggest “point issue means for issuing the points to the customer according to transactions performed by the customer. . . .”

Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data. . . .*”

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points for more than two transactions. . . .”

Schultz (col. 5, ll. 57-60) discloses: “*Once the purchase reward offers . . . are defined by the manufacturer . . . the central management firm . . . stores records of the*

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purchase reward offers . . . in an offer file . . . residing in the data bank of the PMCS [program management computer system] The products that are the subject of the purchase reward offers . . . have associated Universal Product Codes (UPC), which are used to access the reward offer records in the offer file. . . . In the instance when a reward offer applies to several products, the UPC of each eligible product for the reward offer will access to the reward offer record to which the products apply. . . .” The examiner interprets this disclosure as suggesting “point storing means for storing point information comprising the issued points for each customer identification. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 40-55; col. 8, ll. 64-65; col. 10, ll. 20-27; and col. 10, ll. 46-50) shows elements that suggest “point notification means for notifying the customer of point information. . . .”

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 40-55; col. 8, ll. 64-65; col. 10, ll. 20-27; and col. 10, ll. 46-50) shows elements that suggest “wherein the point notification means notifies the customer of the point information before the customer carries out transactions. . . .”

Schultz (col. 7, ll. 53-59; col. 5, ll. 45-56; and col. 6, ll. 1-13) discloses elements that suggest “wherein the point issue means comprises rate management means for changing a point calculation rate according to each of the more than two transactions.”

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Schultz lacks an explicit recitation of: “wherein the point issue means comprises rate management means for changing a point calculation rate according to each of the more than two transactions.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Schultz (col. 7, ll. 53-59; col. 5, ll. 45-56; and col. 6, ll. 1-13) would have been selected in accordance with “wherein the point issue means comprises rate management means for changing a point calculation rate according to each of the more than two transactions. . . .” because such selection would have provided means for the “*consumer . . . to make reward product . . . purchases at more than one retail store . . . and have the purchase credits combined. . . .*” (See Schultz (col. 7, ll. 53-59)).

RESPONSE TO ARGUMENTS

10. **Applicant's arguments filed 4/13/2001 (Amendment H, paper# 37) have been fully considered but they are not persuasive.**

In response to Applicant's remarks requesting the Examiner cite a reference corresponding to “Action of Official Notice” please see the rejection of claims 29 and 30 of the instant Office Action (supra) where the references Small and Bay are cited respectively in place of Official Notice.

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In response to applicant's remarks alleging that "Schultz, either alone or in combination with. . . ." other references teaches away from the instant invention, the Examiner proffers that the Schultz reference does not teach away from the instant invention. For example, Schultz teaches customer interaction with an automated marketing reward system (See Schultz (col. 9, ll. 14-17; col. 10, ll. 7-14; and col. 10, ll. 53-56) using a coupon booklet automatically generated via a computer system. The present invention claims customer interaction with an automated marketing reward system via a computer terminal. The automated customer marketing reward system of the present invention is equivalent to and "known in the prior art to be for the same purpose" as the automated customer marketing reward system taught by the Schultz reference (See In re Ruff, 256 F.2d 590, 118 USPQ 340 (CCPA 1958) and MPEP 2144.06); furthermore, automating "*a manual activity which accomplished the same result is not sufficient to distinguish over the prior art. . . . In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). . . ." (See MPEP 2144.04(III)). Furthermore, the proposed modification by the Small reference neither changes the principle of operation nor renders the Schultz prior art reference unsatisfactory for its intended purpose; therefore, this Office Action in the rejection of the instant invention based on Schultz in view of Small establishes prima facie obviousness (See MPEP 2143.01).

Applicant's attention is directed to Schultz (col. 9, ll. 14-17; col. 10, ll. 7-14; and col. 10, ll. 53-56) discloses: "Through the status report . . . and the reward

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certificate . . . the marketing program of the present invention completely automates the purchase reward system from the consumer viewpoint. . . . The in-store computer system . . . uses the consumer identification code . . . read by the scanner . . . to access his customer file . . . so that if any reward items . . . are purchased, a record of the purchase will be stored in the customer file. . . . While the preferred embodiments of the invention have been shown and described, several other modifications and improvements to these preferred embodiments will be suggested to those skilled in the art.”

In response to Applicant’s remarks alleging that “[none] of the foregoing references relied upon, either alone or in combination, discloses or suggests the foregoing features of the present invention. . . .” specifically “[each] of independent claims 17, 18, 24-26, 28, 50, 52, 65, and 66 [which recite] a ‘point management system employing a computer’ and comprising ‘point accumulation means for calculating and accumulating the issued points’.”; Applicant’s attention is directed to the rejection of claim 17 supra and in particular to Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) and Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53).

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In response to Applicant's remarks alleging that "[none] of the foregoing references relied upon, either alone or in combination, discloses or suggests the foregoing features of the present invention. . . ." specifically "[each] of independent claims 17, 18, 24, 25, 26, 28, 50, and 52 [which recite] "the customer is notified . . . through the terminal. . . ."; Applicant's attention is directed to the rejection of claim 17 supra and in particular to:

Schultz lacks an explicit recital of: "reads data out of the storage means according to a type selected by the customer through a terminal, and notifies the customer of the read data through the terminal."

Small (FIG. 7 through FIG. 10; col. 1, ll. 13-26; col. 1, ll. 33-42; col. 6, ll. 48-55; col. 9, ll. 38-44; col. 9, ll. 53-56; col. 10, ll. 4-15; col. 11, ll. 3-9; col. 11, ll. 16-21; col. 11, ll. 62-63; and col. 12, ll. 33-40) shows elements that suggest: "reads data out of the storage means according to a type selected by the customer through a terminal, and notifies the customer of the read data through the terminal."

Small proposes "terminal notification" modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the "terminal

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notification” modifications of Small with the teachings of Schultz because such modifications would have provided a means to *“Identify a user of a remote interface device and assign a user-specific indicia thereto for matching to a randomly selected game indicia to determine whether the user wins a prize. . . .”* (See Small (col. 2, ll. 30-40)).

THIS ACTION IS FINAL, NECESSITATED BY AMENDMENT

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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CONCLUSION

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Sixth floor Receptionist

Crystal Park II

2121 Crystal Drive

Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

2121 Crystal Drive

Arlington, Virginia.

Serial Number: 08/864,762

(Tomita et al.)

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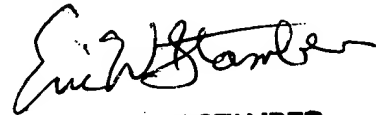
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young



Patent Examiner

November 27, 2001



ERIC W. STAMBER
PRIMARY EXAMINER

| | | | |
|-----------------------------------|-----------------------------------|--|-------------|
| Notice of References Cited | Applicant/Patent Tomita | Application/Control No. 08/864,762 | |
| | Examiner John Young | Art Unit 2162 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| | Document Number Country Code-Number-Kind Code | Date MM-YYYY ¹ | Name | Classification ² |
|---|--|------------------------------|-----------|-----------------------------|
| A | 5,347,452 | 9/1994 | Bay, Jr., | 705 37 |
| B | 4,815,741 | 3/1989 | Small | 463 17 |
| C | | | | |
| D | | | | |
| E | | | | |
| F | | | | |
| G | | | | |
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FOREIGN PATENT DOCUMENTS

| | Document Number Country Code-Number-Kind Code | Date MM-YYYY ¹ | Country | Name | Classification ² |
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| N | | | | | |
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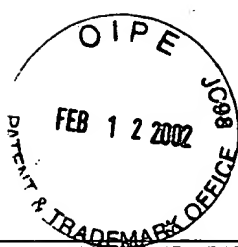
NON-PATENT DOCUMENTS

| | Include, as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages |
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| U | |
| V | |
| W | |
| X | |

* A copy of this reference is not being furnished with this Office action. See MPEP § 707.05(a).

¹ Dates in MM-YYYY format are publication dates.

² Classifications may be U.S. or foreign.



Sheet 1 of 1

| | | | |
|--|--|---|-------------------------------|
| FORM PTO-1449 | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTORNEY DOCKET NO. 122.1046C | APPLICATION NO. 08/864,762 |
| LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary) | | FIRST NAMED INVENTOR Tokimori TOMITA, et al. | |
| | | FILING DATE May 29, 1997 | GROUP ART UNIT 2162 |

U.S. PATENT DOCUMENTS

| *EXAMINER | | DOCUMENT NO. | DATE | NAME | CLASS | SUB-CLASS | FILING DATE |
|-----------|----|--------------|---------|-----------------|-------|-----------|-------------|
| | AA | 5,937,391 | 8/1999 | Ikeda et al. | 705 | 14 | |
| | AB | 4,885,685 | 12/1989 | Wolfberg et al. | 705 | 14 | |
| | AC | 4,941,090 | 7/1990 | McCarthy | 705 | 14 | |
| | AD | 4,723,212 | 2/1988 | Mindrum et al. | 705 | 14 | |
| | AE | 4,554,446 | 11/1985 | Murphy et al. | 235 | 487 | |
| | AF | 4,910,672 | 3/1990 | Off et al. | 705 | 14 | |
| | AG | 5,233,514 | 8/1993 | Ayyoubi et al. | 705 | 14 | |
| | AH | 5,053,955 | 10/1991 | Peach et al. | 705 | 14 | |
| | AI | 4,750,119 | 6/1988 | Cohen et al. | 705 | 14 | |
| | AJ | 5,245,533 | 9/1993 | Marshall | 705 | 10 | |

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FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NO. | DATE | COUNTRY | CLASS | SUB-CLASS | TRANSLATION YES NO | |
|--|----|--------------|------|---------|-------|-----------|-----------------------|--|
| | AK | | | | | | | |
| | AL | | | | | | | |
| | AM | | | | | | | |

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

| | | |
|--|----|---|
| | AN | Gallagher, J.-St. Louis Dispatch, pE1, 12/19/99- "You Can Lose a Chunk of Your Return to Taxes" |
| | AO | Hubbard, C. - Atlanta Business Chronicle, v21, n25, pA8, 11/27/98- "Sara Lee Kicks off Toz Concept at North Point Mall" |

| | |
|---|-------------------------------|
| EXAMINER | DATE CONSIDERED 11-27-2001 |
| *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |

**ATTACHMENT 1(F)****LIST OF COPENING APPLICATIONS**

| | |
|---|-------------------------------|
| ATTORNEY DOCKET NO. 122.1046C | APPLICATION NO. 08/864,762 |
| FIRST NAMED INVENTOR Tokimori TOMITA, et al. | |
| FILING DATE May 29, 1997 | GROUP ART UNIT 2162 |

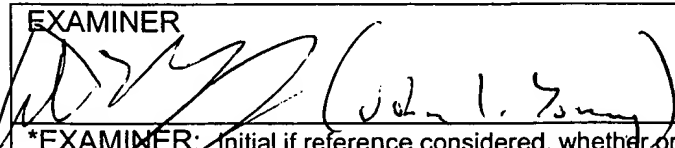
The following, prior-filed, copending U.S. patent application(s) is/are listed in accordance with the duty of disclosure provisions of 37 CFR § 1.56, so that the Examiner may consider same should he deem any thereof to be material to examination of the subject application. Pursuant to 37 CFR 1.98(a)(2)(iii), a copy of the identified copending application(s) is provided.

It is requested that the Examiner acknowledge his consideration of application(s) below-listed by initialing same in the space provided adjacent each such application and that the Examiner sign and date this form at the bottom thereof to confirm such consideration having been given.

This submission in no way represents an admission that any of the information listed herein constitutes prior art with respect to the subject application and unless and until such prior art status is established, this submission is not a request that the information presented herein be printed on the face of any patent issuing from the subject application in which this information is being filed.

U.S. PATENT APPLICATION DOCUMENTS

| *EXAMINER INITIAL | | U.S. SERIAL NO. | FILING DATE | NAME | ASSIGNEE |
|-------------------|---|-----------------|-------------|--|--|
| NS | 1 | 09/414,547 | 10/8/99 | Tokimori TOMITA et al. | FUJITSU LIMITED |
| | 2 | | | RECEIVED FEB 13 2002 Technology Center 2100 | |
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|---|-------------------------------|
| EXAMINER  (John L. Young) | DATE CONSIDERED 11-27-2001 |
| *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |